

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PASTOR BENJAMIN A. JOHNSON, DR.
RONALD A. LUNDEEN, and PASTOR
ARTHUR F. HAIMERL on behalf of
themselves and all other similarly situated,

Plaintiffs,

v.

ORDER

Civil No. 11-00023 (MJD/LIB)

EVANGELICAL LUTHERAN CHURCH
IN AMERICA, and THE BOARD OF
PENSIONS OF THE EVANGELICAL
LUTHERAN CHURCH IN AMERICA,

Defendants.

Scott W. Carlson, Vincent J. Esades, and Katherine T. Kelly, Heins Mills & Olson, P.L.C.; Daniel R. Karon, Laura K. Mummert, Brian D. Penny, and Paul J. Scarlato, Goldman Scarlato & Karon, P.C.; Jackson D. Bigham and Brian M. Sund, Morrison Fenske & Sund, P.A., John S. Chapman, John S. Chapman & Associates, L.L.C., Counsel for Plaintiffs.

Nicole A. Diller, Charles C. Jackson, S. Bradley Perkins, Alison B. Willard, Morgan Lewis & Bockius L.L.P.; and Thomas S. Fraser, Lousene M. Hoppe, Nicole M. Moen, Fredrikson & Byron, P.A., Counsel for Defendants.

The above-entitled matter comes before the Court on Defendant's objections to Magistrate Judge Leo I. Brisbois's September 5, 2012 Order granting Plaintiff's Motion to Compel [Docket No. 141] documents withheld on the basis

of attorney-client privilege and/or the attorney work product doctrine. The Court has carefully considered the entire record in this matter and concludes that oral argument is unnecessary.

This Court will reverse a Magistrate Judge's order on a nondispositive issue only if that order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a). This Court has reviewed the submissions and the record in this case and concludes that Magistrate Judge Brisbois's September 5, 2012 Order is neither clearly erroneous nor contrary to law. Therefore, the September 5, 2012 Order is affirmed.

Accordingly, based upon the files, records, and proceedings, herein, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Leo I. Brisbois's September 5, 2012 Order [Docket No. 168] is **AFFIRMED**.
2. Defendant's objections [Docket No. 168] are **DENIED**.

Dated: November 29, 2012

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court